

REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD JANUARY 18, 2000 AT 9:30 A.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. Larry L. Weeks, Chairman; Mr. Joe Winkelmann, Vice Chairman; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

Board members and staff met to review the agenda package submitted for the meeting.

PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT AND AUDIT AND MANAGEMENT LETTER – ROBINSON, FARMER, COX ASSOCIATES

A work session was held to receive and discuss the Comprehensive Annual Financial Report and Audit and Management Letter from Robinson, Farmer, Cox Associates.

PUBLIC INFORMATION MEETINGS

A work session was held to discuss a proposal to increase the number of Board public information meetings to four per year.

REVIEW OF CAPITAL IMPROVEMENTS PROGRAM – FY 2001-2006

A work session was held to review the FY 2001-2006 Capital Improvements Program to be considered at a public hearing later in the evening.

PARKS AND RECREATION UPDATE – SPORTS FIELDS

A work session was held to receive and discuss an update on the proposed sports fields.

CLOSED MEETING

Mr. Winkelmann moved to go into a closed meeting pursuant to Virginia Code Section 2.1-344(A)(1) for discussion of a personnel matter. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

Upon reconvening from the closed meeting, Mr. Winkelmann moved to adopt the following certification. Mr. Graham seconded.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 18th day of January 2000, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Absent During Meeting: None

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

ADOPTION OF THE AGENDA

Mr. Winkelmann moved to adopt the Agenda as promulgated. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

CITIZENS TIME

- Kathleen King, Scott District, asked if the Board of Supervisors would consider taking action in favor of the CREP funding. Board members asked Mr. Lee to research this funding and report to the Board for discussion and/or action.
- Merle Fallon, Cedar Run District, commended the County staff and asked the Board to consider relief for overworked staff in budget deliberations.

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CONSENT AGENDA

Mr. Winkelmann moved to adopt the following Consent Agenda items subject to acceptance of a substitute resolution for A Resolution to Increase Officers of Election Pay. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes of the January 4, 2000 Regular Meeting

A Resolution to Approve Renewal of Warrenton-Fauquier Airport Engineering Contract with Campbell and Paris Engineers, PC

RESOLUTION

A RESOLUTION TO APPROVE RENEWAL OF

WARRENTON-FAUQUIER

AIRPORT ENGINEERING CONTRACT WITH
CAMPBELL & PARIS

ENGINEERS, P.C.

WHEREAS, on December 20, 1995, the County of Fauquier entered into a contract with Campbell & Paris Engineers, P.C., a Virginia Corporation, for general airport planning and engineering for the Warrenton-Fauquier Airport; and

WHEREAS, said contract provides for renewal on an annual basis by mutual agreement; and

WHEREAS, in a meeting assembled 22 November 1999, the Fauquier County Airport Committee unanimously recommended renewal of the contract with Campbell & Paris Engineers, P.C.; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of January 2000, That the contract with Campbell & Paris Engineers, P.C., a Virginia Corporation, be, and is hereby, confirmed for renewal for an additional one year term.

A Resolution to Approve Two Full-Time Permanent Planning Positions in
the Department of Community Development

RESOLUTION

A RESOLUTION TO APPROVE TWO FULL-TIME PERMANENT
PLANNING POSITIONS FOR COMMUNITY DEVELOPMENT

WHEREAS, the Community Development Department's major functions include

planning, zoning, subdivision and building permits and code and ordinance enforcement; and

WHEREAS, the workload in Community Development has increased significantly; and

WHEREAS, two (2) full time permanent planning positions were deemed necessary to provide the services required of the Community Development Department; and

WHEREAS, the Fauquier County Community Development Department desires to establish a full-time permanent Planner and a full-time Senior Planner position; and

WHEREAS, the Finance Committee reviewed the request in December and recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of January 2000, That two (2) permanent Planner positions be established, effective January 1, 2000; and, be it

RESOLVED FURTHER, That the Community Development Department will follow the procedures set forth in the County Personnel Policy and Pay Classification Plan.

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A Resolution to Increase Officers of Election Pay

RESOLUTION

A RESOLUTION TO INCREASE OFFICERS OF ELECTION PAY

WHEREAS, the Fauquier County Electoral Board requested an increase in pay for the Officers of Election; and

WHEREAS, the Fauquier County Electoral Board desires to establish a flat fee of \$200 for Chiefs, \$150 for Assistant Chiefs, \$125 for Workers and Absentee Workers, such fee intended to include reimbursement for mileage and travel; and

WHEREAS, the Officers of Election continue to provide a valuable resource to the citizens of Fauquier County; and

WHEREAS, the Finance Committee reviewed the request and recommends approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of January 2000, That the Officers of Election pay be, and is hereby, increased, effective January 1, 2000.

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A Resolution to Convert a Part-Time Permanent Tax Collector Position to a Full-Time Permanent Position for the Fauquier County Treasurer's Office

RESOLUTION

A RESOLUTION TO CONVERT A PART-TIME PERMANENT TAX
COLLECTOR POSITION TO A FULL-TIME PERMANENT POSITION
FOR THE FAUQUIER COUNTY TREASURER'S OFFICE

WHEREAS, in late FY 1999 the Board of Supervisors established an evening delinquent tax collection program in the Treasurer's Office to reduce the amount of unpaid taxes; and

WHEREAS, as an element of this program, a part-time permanent Tax Collector position was approved; and

WHEREAS, the Fauquier County Treasurer's Office now desires to establish this part-time permanent position as a full-time permanent position; and

WHEREAS, the Finance Committee in December reviewed the request and recommends approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of January 2000, That the part-time permanent Tax Collector position be, and is hereby, converted to a full-time permanent position, effective January 1, 2000; and, be it

RESOLVED FURTHER, That the Treasurer's Office will follow the procedures set forth in the County Personnel Policy and Pay Classification Plan.

A Resolution to Convert a Full-Time Temporary Geographic Information Systems (GIS) Intern Position to a Full-Time Permanent GIS Technician Position

RESOLUTION

A RESOLUTION TO CONVERT A FULL-TIME TEMPORARY
GEOGRAPHIC INFORMATION SYSTEMS (GIS) INTERN POSITION
TO A FULL TIME PERMANENT GIS TECHNICIAN POSITION

WHEREAS, the GIS Division supports the Fauquier County Government internet related services and provides computer generated mapping data and real estate information to aid in the study of geographic related matters; and

WHEREAS, the workload for this division has increased significantly in recent years; and

WHEREAS, the Division has two authorized positions with the full time temporary GIS Intern position having a turnover rate in excess of 600% in the past six years; and

WHEREAS, the Information Resources Management Department has requested to establish this full-time temporary Intern position as a full time permanent GIS Technician; and

WHEREAS, the Finance Committee reviewed this request in December and recommends approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of January 2000, That the full-time temporary GIS Intern position be, and is hereby, converted to a full-time permanent GIS Technician Position, effective January 1, 2000; and, be it

RESOLVED FURTHER, That the Department of Information Management will follow the procedures set forth in the County Personnel Policy and Pay Classification Plan.

A Resolution to Support a Dedicated Funding Source for Land Conservation in the Commonwealth of Virginia

RESOLUTION

A RESOLUTION TO SUPPORT A DEDICATED FUNDING SOURCE
FOR LAND CONSERVATION IN THE COMMONWEALTH OF VIRGINIA

WHEREAS, the Commonwealth of Virginia's lands are rich in scenic, historic, natural, agricultural, forest

and recreational resources; and

WHEREAS, Virginia is rapidly losing these irreplaceable resources to competing land uses; and

WHEREAS, conserving these resources is critical to Virginia's economy and the health and well being of her citizens; and

WHEREAS, establishing a balance between the conservation of open space/natural resource lands and residential and/or commercial development is essential to Fauquier County's quality of life and sound fiscal health; and

WHEREAS, Virginia currently does not have a stable and adequate source of funds to secure the long term conservation and protection of these lands and resources; and

WHEREAS, the General Assembly has established the Virginia Land Conservation Foundation with authority to expend funds for the conservation of farmland, historic sites, natural areas, parks and open space; and

WHEREAS, the Virginia Land Conservation Foundation is empowered to provide matching funds to localities to assist in the purchase of conservation easements and other land conservation needs; and

WHEREAS, the Virginia Land Conservation Foundation is the appropriate mechanism for receiving and expending funds from a dedicated state funding source for land conservation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of January 2000, That the Fauquier County Board of Supervisors does hereby express its strong support for the establishment of a dedicated state source of funding to carry out the mission of the Virginia Land Conservation Foundation; and, be it

RESOLVED FURTHER, That the Board of Supervisors does hereby call upon the Governor and General

Assembly to dedicate such a stable and adequate funding source beginning in the year 2000.

A Resolution to Support the Promotion of the Virginia State Parks System

RESOLUTION

A RESOLUTION TO SUPPORT THE PROMOTION
OF THE VIRGINIA STATE PARKS SYSTEM

WHEREAS, the Commonwealth of Virginia has thirty-four state-owned and operated parks and historical sites that attract over five million visitors annually and which contribute more than one hundred million dollars to the local economy; and

WHEREAS, the citizens of the Commonwealth supported a ninety-five million dollar bond referendum to purchase new parks and repair existing parks so these publicly-held lands can provide citizens opportunities to improve their outdoor experience and increase their understanding of the environment in which we all live and benefit from; and

WHEREAS, every state park has received or is scheduled to receive a strategic master plan for the continuing improvement of the visitor experience; and

WHEREAS, visitation at Virginia's state parks has risen 3.71 percent annually over the last decade, interpretation and educational programs have doubled and participation in these programs has tripled; and

WHEREAS, the Commonwealth of Virginia's support for the state parks system ranks 48th out of the 50 states in per capita spending and there is a demonstrated need for additional funding to continue the implementation of the master plans; and

WHEREAS, the tourists visiting the state parks support local businesses and provide sales taxes to assist local governments in providing resources to citizens; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this

18th day of January 2000, That the Fauquier County Board of Supervisors does hereby express its support for the concept of strategic planning for state parks and encourages the General Assembly to appropriate additional funds to the Virginia Division of State Parks to allow for the continued to improve of Virginia's state parks and implement the strategic plans.

A Resolution Referring to the Planning Commission a Proposed Ordinance Amending Section 6-102 of the Fauquier County Zoning Ordinance to Add Subsection 27 Relating to Tents as Accessory Uses

RESOLUTION

A RESOLUTION REFERRING TO THE PLANNING COMMISSION

A PROPOSED ORDINANCE AMENDING SECTION 6-102

OF THE FAUQUIER COUNTY ZONING ORDINANCE TO ADD

SUBSECTION 27 RELATING TO TENTS AS ACCESSORY USES

WHEREAS, the Board of Supervisors wishes to consider regulations on the use of tents as accessory uses under the Fauquier County Zoning Ordinance; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 18th day of January 2000, That the proposed ordinance amending Section 6-102 of the Fauquier County Zoning Ordinance to add Subsection 27 relating to tents as accessory uses be and is hereby referred to the Fauquier County Planning Commission for consideration and action.

Acceptance of Bailey Road in the Routs Hill Subdivision Into the Secondary Highway System

RESOLUTION

FAUQUIER COUNTY BOARD OF SUPERVISORS
SUBDIVISION STREET ACCEPTANCE FOR THE
ROUTS HILL SUBDIVISION LEE MAGISTERIAL DISTRICT

WHEREAS, certain streets titled "Routs Hill Subdivision, Lee Magisterial District, Fauquier County" dated January 10, 2000, and described on the Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerks Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above streets serve a genuine public need; and

WHEREAS, Fauquier County and the Virginia Department of Transportation have entered into an agreement on February 7, 1995, for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of January 2000, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets in the State Highway Secondary System for maintenance, as provided in Sec. 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That this Board does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty feet in the Routs Hill Subdivision, with necessary easements for cuts, fills, and drainage; recorded in Deed Book 813, Page 51, dated August 11, 1998; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

No action was taken.

Preliminary Subdivision Application – Whisperwood Subdivision, Phase I

No action was taken.

PRESENTATION TO CERTIFY FAUQUIER COUNTY AS A 1999 CHESAPEAKE BAY PARTNER COMMUNITY

David Brickley, Director of the Virginia Department of Conservation and Recreation, presented the Board of Supervisors with an award for Fauquier County in becoming a 1999 Chesapeake Bay partner Community.

SPECIAL EXCEPTION – LYNN A PIROZZOLI, OWNER/APPLICANT

A public hearing was held at the December 6, 1999 meeting to consider a request to special exception approval from Lynn A. Pirozzoli to allow fieldstone patio area and catering staging area/horse boarding annex for use by boarders, that were constructed in close proximity to, but not the exact location specified in the previous special exception application. Mr. Winkelmann moved to table the decision until the February 22, 2000 meeting. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

A RESOLUTION TO ENDORSE THE MISSION STATEMENT AND LEGISLATIVE PRIORITIES OF THE VIRGINIA COALITION OF HIGH GROWTH LOCALITIES FOR THE 2000 GENERAL ASSEMBLY SESSION AND TO AUTHORIZE THE EXPENDITURE OF UP TO \$2,000 TO SUPPORT THE COALITION'S LEGISLATIVE STRATEGY AND LOBBYING TEAM

Mr. Winkelmann moved to adopt the following resolution. This motion did not require a second since the Board's Finance Committee refers it. The vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO ENDORSE THE MISSION STATEMENT AND LEGISLATIVE PRIORITIES OF THE VIRGINIA COALITION OF HIGH GROWTH LOCALITIES FOR THE 2000 GENERAL ASSEMBLY SESSION AND TO AUTHORIZE THE EXPENDITURE OF UP TO \$2,000 TO SUPPORT THE COALITION'S LEGISLATIVE STRATEGY AND LOBBYING TEAM

WHEREAS, the Virginia Coalition of High Growth Localities is comprised of 24 cities and counties from across the Commonwealth who have banded together to advocate for and support legislation that maintains and strengthens local authority to manage residential growth and its impacts; and

WHEREAS, Fauquier County was one of the founding members of the Coalition and has been an active participant in the Coalition's legislative planning process, including the establishment of the Coalition's mission statement, general legislative priorities and specific legislative priorities for the 2000 General Assembly Session; and

WHEREAS, the Coalition has developed a 2000 General Assembly legislative strategy which includes the hiring of a lobbying team from Sands, Anderson, Marks and Miller to represent the interests of the High Growth Coalition before the General Assembly; and

WHEREAS; the High Growth Coalition has requested that each member locality contribute funds to help support the costs associated with the Coalition's lobbying team;

WHEREAS; the Board of Supervisors supports the legislative strategy and legislative priorities of the Coalition for 2000 and recognizes the importance of having a professional lobbying team represent the interests of the Coalition before the 2000 General Assembly; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of January 2000, That the Fauquier County Board of Supervisors does hereby endorse the mission statement and legislative priorities of the Virginia Coalition of High Growth Localities for the 2000 General Assembly Session; and be it

RESOLVED FURTHER, That the Board of Supervisors does hereby authorize the expenditure of up to \$2,000 to support the Coalition's 2000 legislative strategy and lobbying team.

A RESOLUTION TO COMPENSATE BRUCE CASNER FOR THE DAMAGE TO HIS LAND AND HOME AS A RESULT OF THE OPERATION OF THE COUNTY LANDFILL

John L. Marshall, Jr., representing Bruce Casner, requested the Board of Supervisors consider adopting a resolution to compensate Mr. Casner for the alleged damage to his land and home as a result of the operation of the County Landfill. Mr. Graham moved to table the decision until the February 22, 2000 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

APPOINTMENTS

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE

(terms expire 12/31/03)

Kitty Smith Northern Fauquier

Robert Rogers Scott District

Mildred Riddell Southern Fauquier

William Worrall Marshall District

Mary Morran Center District

James Eustace Cedar Run District

Alton Willingham Lee District

Lewis Wiley Freeholder

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AIRPORT COMMITTEE

(term expires 12/31/03)

Arthur Nash Marshall District

ECONOMIC DEVELOPMENT ADVISORY COUNCIL

(term expires 12/31/03)

C.L. "Boots" Ritchie Agricultural Advisory Committee Representative

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JOHNSON GRASS CONTROL COMMITTEE

(term expires 12/31/03)

John Schied Cedar Run District

LIBRARY BOARD

(terms expire 6/30/00)

Alice Jane Childs Cedar Run District

Virginia Dorkey Lee District

RAPPAHANNOCK-RAPIDAN PLANNING DISTRICT COMMISSION

Dave Mangum

SUPERVISORS TIME

- Ms. McCamy informed Board members that she and Mr. Lee would be researching an on-line joint calendar for use by Board members.
- Ms. McCamy asked that a work session be schedule for the February 7, 2000 meeting to receive the Teacher Compensation Task Force recommendations and that this be included on the Regular Agenda for the same meeting.
- Ms. McCamy asked that a one-hour work session be scheduled for the February 7, 2000 meeting to discuss the planning committee efforts for service districts.
- Mr. Graham informed Board members that the Personnel Committee would be researching pay for performance standards for County employees.
- Mr. Winkelmann said that he would be sponsoring a resolution for the February 7, 2000 meeting to authorize a public hearing on the Fauquier-Warrenton boundary adjustment.
- Mr. Weeks informed Board members that he would be participating in a meeting on January 20 to make proposed changes to the County's Lobbying Policy.
- Mr. Lee announced that the Board's Public Information Meeting was scheduled for January 19 at 7:00 p.m. at Warrenton Middle School.
- Mr. Lee announced that Board members would be travelling to Richmond to attend the VACo/VML Legislative Day on February 10 and would be holding their annual retreat on February 9 to establish the 2000 top Priorities for the Board of Supervisors.

CAPITAL IMPROVEMENTS PLAN – FY 2001-2006

A public hearing was held to receive citizen comments regarding the FY 2001-2006 Capital Improvements Plan. Gene Lawhun, Chairman of the Capital Improvements Program Committee, reviewed the Committee's recommendations to the Board. The following person spoke:

- Sue Scheer asked that the Auburn Dam project be removed from the Capital Improvements Plan.
- Kitty Smith said that the 800 Mhz radio system figures needed to be updated in the Capital Improvements Plan and that the courts need more space and have security issues and that this should be in the Plan.

No one else spoke. The public hearing was closed. Mr. Winkelmann moved to postpone action on the Capital improvements Plan to coincide with adoption of the budget. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

SPECIAL EXCEPTION – THOMAS AND CHRISTINE GREENLAND, OWNERS, AND JENIFER O. TROVATO AND MARJORIE B. PHILLIPS, APPLICANTS

A public hearing was held to consider a request for special exception approval from Thomas and Christine Greenland, Owners, and Jenifer O. Trovato and Marjorie B. Phillips, Applicants, to allow for a combination use of the property as a guest inn and arts retreat. The property is zoned Rural Agriculture, contains 50 acres, and is located on the north side of Cannonball Gate Road (Route 690), just west of Winchester Road (U.S. Route 17), PIN #6976-54-4348-000, Marshall District. Henry Day, representing the applicants, Jenifer Trovato, Joan Hellandsjo, Harald Malmgren, Fenton Farm Owner, Don Kolanski, Joe Ruffo, and William Woodward spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION REQUEST

#SE99-M-38 JENIFER O. TROVATO, OWNER/APPLICANT

HUMBLESTONE INN FOR THE ARTS

WHEREAS, the Property Owner and Applicant, Jenifer O. Trovato, has filed an application for a special exception to allow for the adaptive use of the 50-acre property at 7476 Cannonball Gate Road as a private art gallery with up to twelve (12) students and an inn for up to twelve (12) overnight guests, pursuant to Section 3-307 (Adaptive Uses) of the Fauquier County Zoning Ordinance, and as conditioned below; and

WHEREAS, the special exception application of Jenifer O. Trovato, Property Owner and Applicant, has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence, both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for the special exception as set forth in Article 5 of the Zoning Ordinance and the Board finds that the more restrictive standards of Sections 5-701 and 5-702 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on August 26, 1999, on this special exception request; and

WHEREAS, the Fauquier County Planning Commission recommended unanimous approval of this special exception request subject to eleven (11) conditions at its regular meeting on November 18, 1999; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on January 18, 2000, on this special exception request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of January 2000, That Special Exception #SE99-M-38, Jenifer O. Trovato, Property Owner and Applicant, property identified as PIN# 6982-38-7686-000, be, and is hereby, approved subject to the following finding and conditions:

FINDING

The Fauquier County Board of Supervisors finds that as conditioned below, the type and amount of traffic generated by the proposed facility will not cause an undue impact on the neighbors or adversely affect the safety of road usage, pursuant to Section 5-702(5) of the Fauquier County Zoning Ordinance.

CONDITIONS

1. This special exception is to operate an inn and private art gallery not open to the general public.
2. Art classes for no more than twelve (12) students are permitted as an accessory use to the art gallery.
3. Overnight accommodations are permissible for a total of not more than twelve (12) persons exclusive of staff and property owners at any one time.
4. There shall not be a cumulative total of more than twenty-four (24) guests and art students on the property at any one time. This figure does not include staff or the property owners.
5. The applicants are permitted to serve up to three (3) meals per day (i.e., breakfast, lunch, and dinner) to guests of the facility and students attending classes but shall not be permitted to operate a restaurant open to the public.
6. The on-site classes shall be held between Mondays and Fridays, except that classes are permitted on Saturdays and Sundays until 6:00 p.m.
7. Structures on the site shall be limited to those shown on the special exception plat dated July 23, 1999, prepared by James G. Butler & Associates. Additionally, per Section 5-702 of the Zoning Ordinance, the applicant for this adaptive use shall not alter the exterior appearance of the structure from that of a dwelling or normal residential accessory structure.
8. Future subdivisions of the 50-acre parcel are not permitted.
9. The applicants shall maintain at all times the necessary occupancy permits, Health Department approvals, and proof that State Fire Codes are met.
10. The site plan and resultant development shall be in substantial conformance with the special exception plat.

11. This special exception shall be granted for a period of two (2) years and must be renewed by the Board of Supervisors in accordance with the provisions of Section 5-013 of the Zoning Ordinance.

COMPREHENSIVE PLAN AMENDMENT – WARRENTON SERVICE DISTRICT

A public hearing was held to receive citizen comments regarding consideration of changing the land use designation of certain properties to categories consistent with their existing zoning. The Warrenton Service District Plan Map is the affected component of the Comprehensive Plan and the general properties being reviewed for change are: the Kelly-Neiss, Wal-Mart, Benner, Springer/Sandridge, and Butler/Nash properties. Tom Ross, representing owners of the Kelly-Neiss property, spoke in opposition to including this property in the proposed change. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO ADOPT THE WARRENTON SERVICE DISTRICT

AMENDMENT TO CHAPTER SIX OF THE COMPREHENSIVE PLAN

WHEREAS, the Board of Supervisors by resolution directed the Planning Commission on September 7, 1999 to review specific areas within the Warrenton Service District Plan to determine and make recommendations whether land use designations needed to be refined to be compatible with their present zoning; and

WHEREAS, the Planning Commission conducted its public hearing on September 30, 1999, and a final work session on December 16, 1999, resulting in the proposed amendment to

the Comprehensive Plan being forwarded to the Board of Supervisors with a unanimous recommendation that it be adopted as presented; and

WHEREAS, the Board of Supervisors, following a public hearing for the proposed amendment to Chapter Six for the Warrenton Service District Plan, finds that the proposed refinement to the Comprehensive Plan meets its intent; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of January, 2000, That the Amendment to Chapter 6 of the Comprehensive Plan for the Warrenton Service District land use designations are hereby adopted as revised for the tracts identified herein on the attached map and as cited below:

	Parcel Identification No.	Amended Land Use Designation
	6985-12-6257	
Property	6985-61-4023	Low Density Residential*
Springer/Sandridge	6984-98-0388	Low Density Residential
Kelly-Niess	6984-96-1546	Low Density Residential
Benner (Multiple Owners)	6984-85-3809	(All Listed Parcels)
	6994-15-4573 (Portion)	
	6984-95-2640	
	6984-85-6236	
	6984-85-5042	
	6984-85-6152	
	6984-84-4741	
	6984-84-6403	
	6984-85-4111	
	6984-95-2223	
	6984-85-7491	

6984-85-8271

6984-85-9009

6984-85-9012

6984-85-8258

6984-84-4223

6984-84-3085

6984-83-2993

6984-83-4176

6984-93-2775

6984-92-6454

6984-91-7890

6984-91-7652

6984-91-9620

6994-03-2688

6994-02-1258

6994-01-0995

6994-16-2918

6994-07-8072

6994-07-8168

6994-06-4991

6984-85-8334

6984-00-4336

6984-00-8853

Low Density Residential
for Both Parcels**

Butler/Nash		
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* Property included within the Warrenton Service District Boundaries.

** Both properties are to be included within the Warrenton Service District and remain in Phase 3.

TRANSPORTATION ENHANCEMENT IMPROVEMENT PROJECT FOR THE MARSHALL GATEWAY AND OLDE SALEM MEETING HOUSE PROJECT

A public hearing was held to receive citizen comments regarding a request from the Marshall Business and Residents Association for endorsement of its Marshall Gateway Project to enhance Marshall, including measures to improve pedestrian safety, calm traffic, attract tourists and commercial activity and draw attention to the village's historic significance. The Olde Salem Meetinghouse Project proposes the rehabilitation of the meetinghouse into a combination visitor's center/transportation museum. Meredith Whiting, representing the Marshall Business and Residents Association, spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION OF ENDORSEMENT FOR THE MARSHALL GATEWAY AND OLDE SALEM MEETING HOUSE PROJECT

WHEREAS, in accordance with the application requirements of the Virginia Department of Transportation's (VDOT) Transportation Enhancement Program, the local government must provide a resolution of endorsement for project submissions; and

WHEREAS, the Fauquier County Board of Supervisors, by resolution on the 19th day of January 1999, endorsed an improvement project for the Olde Salem Meeting House; and

WHEREAS, the Fauquier County Board of Supervisors wishes to endorse the application for this transportation enhancement project; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of January 2000, That the Board of Supervisors does hereby endorse the application to VDOT by the Marshall Business & Residents Association for the Marshall Gateway and Olde Salem Meeting House Project; and, be it

RESOLVED FURTHER, That the Marshall Business & Residents Association hereby agrees to pay twenty (20) percent of the total cost for planning, design, right-of-way, and construction of this project, and if the Association and the Society subsequently elect to cancel this project, the Association and the Society hereby agree to reimburse VDOT for the total amount of the costs expended by VDOT through the date VDOT is notified of such cancellation.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

A public hearing was held to receive citizen comments regarding Community Development Block Grant (CDBG) funding for projects the County should apply for and on past and present uses of CDBG monies in Fauquier county. Gary Christie, Executive Director of the Rappahannock-Rapidan Planning District Commission, reviewed the aspects and requirements of the CDBG application. Keith Fletcher requested the County make application for planning grant funds to connect homes in Fletcherville to Town sewer. No one else spoke. The public hearing was closed. No action was taken.

REQUEST FOR PROPERTY TAX EXEMPTION – THE COLUMBIANS

A public hearing was held to receive citizen comments regarding a request from The Columbians for Board of Supervisors support for a request to the Virginia General Assembly for tax exempt status. No one spoke. The public hearing was closed. Mr.

Winkelmann moved to postpone action on this request indefinitely. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

REQUEST FOR PROPERTY TAX EXEMPTION – HOSPICE SUPPORT OF FAUQUIER COUNTY, INC.

A public hearing was held to receive citizen comments regarding a request from Hospice Support of Fauquier County, Inc. for Board of Supervisors support for a request to the Virginia General Assembly for tax exempt status. Nancy Hughes, representing Hospice of Fauquier County, Inc., spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION IN SUPPORT OF THE DESIGNATION OF

REAL PROPERTY OWNED BY HOSPICE SUPPORT OF

FAUQUIER COUNTY, INC. AS TAX EXEMPT REAL PROPERTY

WHEREAS, Hospice Support of Fauquier County, Inc. is a private nonprofit organization granted tax exempt status under

Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, Hospice Support of Fauquier County, Inc. provides supportive care to terminally ill patients and their families; and

WHEREAS, Hospice Support of Fauquier County, Inc. requests tax exempt status to any real property owned by it now or in the future; and

WHEREAS, by adoption of this resolution, the Board of Supervisors certifies that it has examined the criteria set forth in Subsection B of Section 30-19.04, and that it finds Hospice Support of Fauquier County, Inc. meets the criteria set forth in Article X of the Constitution of the Commonwealth of Virginia, and Virginia Code §§58.1-3650 and 30-19.04(B)(1)-(8); and

WHEREAS, Hospice Support of Fauquier County, Inc. has received a favorable recommendation for tax exempt status from the Commissioner of the Revenue; and

WHEREAS, the assessed value for all real property owned by Hospice Support of Fauquier County, Inc., in Fauquier County is \$35,000 and the current annual taxes are \$379.48; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of January 2000, That the Board of Supervisors does hereby support Hospice Support of Fauquier County, Inc.'s request to the Virginia General Assembly for exemption of local property taxes; and, be it

RESOLVED FURTHER, That the Board of Supervisors does recommend to the General Assembly the specific classification of charitable for the real property owned by Hospice Support of Fauquier County, Inc.; and, be it

RESOLVED FINALLY, That the County Administrator is directed to forward this resolution to members of the Virginia General Assembly.

FAUQUIER COUNTY CODE AMENDMENT – SECTION 5-8 – STREET NAME CHANGE

A public hearing was held to consider amending Section 5-8 of the Fauquier County Code to change the name of a segment of

Strodes Mill Road, located southwest of Sumerduck Road, to Normans Ford Road, Lee District. No one spoke. The public hearing was closed. Ms. McCamy moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO AMEND THE OFFICIAL STREET NAMES

AND PROPERTY NUMBERING ATLAS OF FAUQUIER COUNTY

WHEREAS, in conjunction with the E-911 street addressing program, certain street names were assigned which property owners would like to change; and

WHEREAS, Section 5-9 of the Fauquier County Code authorizes the Board of Supervisors to change street names; and

WHEREAS, petitions have been submitted which contain signatures from the majority of property owners on this street who approve of the name change; and

WHEREAS, the Board of Supervisors has advertised and held a public hearing to consider the following street name change; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 18th day of January 2000, That the Official Street Names and Property Numbering Atlas be, and is hereby, amended to adopt the following street name change:

EXISTING NAME NEW NAME

Strodes Mill Road Normans Ford Road

(segment from Sumerduck Road to Rappahannock River)

ZONING ORDINANCE TEXT AMENDMENT – ARTICLE 9, PERFORMANCE STANDARDS

A public hearing was held to consider a Zoning Ordinance Text Amendment to Article 9, Performance Standards, to regulate the placement, orientation, distribution, fixture type and size of outdoor lighting. Ann McCarty, Kathleen King, Bob Jent, representing the International Dark Sky Organization, George Nolte, and Kitty Smith spoke in favor of the amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO ADD

ARTICLE 9, PART 9, 9-1000 OUTDOOR LIGHT CONTROL

WHEREAS, the Planning Commission conducted a public hearing on October 28, 1999, on the Zoning Text Amendment to add Article 9, Part 9, 9-1000 of the Zoning Ordinance, entitled Outdoor Light Control; and

WHEREAS, the Planning Commission, after public comments and final refinements, voted on November 18, 1999 to forward to and recommend that the Board of Supervisors adopt the referenced Amendments to the Zoning Ordinance; and

WHEREAS, the Board of Supervisors, following a public hearing on January 18, 2000, finds that the proposed Ordinance amendment provides well defined expectations for the placement, orientation, distribution, fixture type and size of

outdoor lighting, as well as prevents glare on public roadways and protects the privacy of adjoining properties; and

WHEREAS, the Board of Supervisors now wishes to adopt the Ordinance; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare or good zoning practice is satisfied by these amendments to the Fauquier County Zoning Ordinance; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 18th day of January 2000, That Article 9 of the Fauquier County Zoning Ordinance be, and is hereby, amended to add Part 9, 9-1000 Outdoor Light Control in accordance with the following amendments that are attached hereto and made a part of this Ordinance.

Article 9

Part 9 9-1000 OUTDOOR LIGHT CONTROL

9-1001 Purpose and Intent

The purpose of this section is to regulate the placement, orientation, distribution and fixture type and size of outdoor lighting. The intent of this section is to encourage lighting that provides safety, utility and security, as well as preventing glare on public roadways, and to protect the privacy of adjoining properties.

9-1002 Conformance with Applicable Codes and Ordinances

All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this Article, and applicable provisions of the Zoning Ordinance. Where there is conflict between the provisions of this Article and applicable provisions of the Zoning Ordinance, the most restrictive shall govern.

9-1003 Approved Materials and Methods of Installation

The provisions of this Article are not intended to prevent the use of any equipment, material or method of installation not specifically prescribed by this Article provided the alternative has been approved by the Zoning Administrator. The Zoning Administrator may approve any such alternative provided that the proposed design provides the approximate equivalence to the specific requirements of this Article.

9-1004 Definitions

1. Outdoor Light Fixtures shall mean outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:

a. buildings and structures, including canopies and overhangs

b. recreational areas

c. parking lot lighting

d. landscape lighting

e. signs, including billboards

f. display and service areas

2. Installed shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this Article but shall not apply to those outdoor light fixtures installed prior to such date.

3. Shielded, Fully shall mean fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal

plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that it allows no direct or internally reflected light to shine above the light fixture.

4. Footcandle. A quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

5. Full Cutoff Angle. The angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted. Refer to example graphics. (Refer to Figure 2)

6. Initial Lumens. The lumens emitted from a lamp, as specified by the manufacturer of the lamp.

7. Lamp. The component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

8. Lumen. A standard unit of measurement referring to the amount of light energy emitted by a light source, without regard to the effectiveness of its distribution.

9. Luminaire. A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

10. Outdoor Luminaire. A luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign.

11. Photometric Plan. A point by point plan depicting the intensity and location of lighting on the property.

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9-1005 Shielding

All outdoor light fixtures except those exempted by Section 9-1007 and those regulated by Section 9-1006.2 shall be fully shielded as identified in Section 9-1006. A fully shielded fixture must be a full cutoff luminaire or a decorative luminaire with full cutoff optics, and is defined as an outdoor lighting that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixtures. The light source visibility shall be shielded from the adjoining property.

9-1006 General Requirements for all Zoning Districts

1. Public or Private Recreational Facilities:

- a. Primary Playing Areas. Where playing fields or other recreational areas are to be illuminated, lighting fixtures shall be specified in the Lighting Plan, mounted and aimed so that the illumination falls within the primary playing area and immediate surroundings so that no direct light illumination is directed off site.
- b. Recreation Parking Areas. Lighting for these parking areas shall meet the requirements identified in 9-1006.5.

2. Outdoor Illumination of Building, Landscaping and Signs. The unshielded outdoor illumination of any building or landscaping is prohibited. Lighting fixtures used to illuminate an outdoor advertising sign either shall be by directed ground lighting sign or mounted on the top of the sign, and shall comply with shielding requirements.

3. All outdoor lighting fixtures, including display lighting, shall be turned off after the close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.

4. Gasoline Station/Convenience Store Aprons and Canopies.

- a. The Lighting fixture bulbs shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to no more than 85 degrees from vertical as shown in Figure 1.
- b. As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light

fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy.

- c. Lights shall not be mounted on the top or sides (facia) of the canopy, and the sides of the canopy shall not be illuminated.
- d. The lighting for new facilities (pump islands and under canopies) shall have a minimum of 1.0 footcandle at grade, and the average horizontal illumination cannot exceed 10 footcandles at grade level, subject to a uniformity ratio (ratio of average to minimum illuminance) no greater than 4:1. The standards herein are based on the Illuminating Engineering Society of North America (IESNA) RP-33, Lighting for Exterior Environments.

5. All Parking Lots, Loading and Display Areas. This lighting requirement applies to townhouse and multi-family, educational, institutional, commercial recreation, public, commercial business and retail, motor vehicle related, wholesaling, and limited and general industrial use categories identified within the Zoning Ordinance.

- a. Lighting for all parking, display and loading areas shall not exceed an average horizontal illumination level of 2.5 footcandles. All lighting fixtures serving these areas shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA);
- b. Maximum Mounting Height*

Residential: 20 feet

Non-Residential: 25 feet

* Height is measured from the ground surface to the bottom of the lighting fixture.

6. Mercury Vapor. The installation of mercury vapor fixtures is prohibited, except for agricultural buildings, paddocks and similar use areas in RA and RC zoning districts. For residential structures on agricultural property, lighting must be full cut-off fixtures, or retrofitted with, for example, the Hubble Sky Cap and illumination shielded downward.

7. Spillover light, vertical or horizontal, from parking area luminaires onto public roads and property in residential or rural Rural Agricultural (RA) and Rural

Conservation (RC) zoning districts shall not exceed one-half (1/2) footcandle at the property line.

9-1007 Exemptions

1. Nonconforming Fixtures. Outdoor light fixtures installed prior to the effective date of this Article are exempt from the provisions of this Article, provided, however, that no change in use, replacement, and structural alteration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Article.
2. Lighting which is not subject to this chapter by state or federal law.
3. Roadway and Airport lighting and security lighting controlled and activated by motion sensor devices for a duration of fifteen (15) minutes or less.
4. Lighting of the United States of America or Commonwealth of Virginia flags and other non-commercial flags expressing constitutionally protected speech.
5. Temporary circus, fair, carnival, or civic uses.
6. Special Conditions. The Zoning Administrator may grant an exemption to the requirements of Section 9-1006 only upon a written finding that there are conditions warranting the exemption and that there are no conforming fixtures that would suffice.
7. Construction and Emergency Lighting. Lighting necessary for construction or emergencies is exempt from the provisions of this Article provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
8. Lighting associated with agricultural uses structures, such as a barn, paddock area. Residential buildings and parking associated with a farm or other agricultural uses are not exempted from the lighting requirements contained herein.

9-1008 Applications

1. Any person submitting a site plan or applying for a building, electrical or sign permit to install outdoor lighting fixtures shall as a part of said application submit evidence that the

proposed work will comply with this Article.

2. The lighting plan application shall include at least the following:

- a. A site plan drawn to scale showing building(s), landscaping, parking areas and proposed exterior lighting fixtures;
- b. Location of all post, canopy, supports and light fixtures, including the height of each fixture, for any building, structure, parking, display and loading areas;
- c. Specifications of the illuminating devices, lamps, supports, and other Devices, including designation as Illuminating Engineering Society of North America (IESNA) "cut-off" fixtures. This description may include but is not limited to manufacturers catalog cuts, and drawings including sections where required;
- d. Plan shall show locations of all pole mounted and building mounted fixtures and a numerical 25 foot by 25 foot grid of lighting levels, in footcandles, that the fixtures will produce on the ground (photometric report). The photometric report will indicate the minimum and maximum footcandle levels within the lighted area of the site. The minimum (lowest number) is usually at the outer edges of the illuminated area or between two fixtures. The average light level is determined by adding the footcandle value of all the points in the grid and dividing by the total number of points.

This information is available from the manufacturer of the specified fixture. (Refer to Figure 3 for an example of this report style)

3. The above required plans and descriptions shall be sufficiently complete to enable the Zoning Administrator to readily determine whether compliance with the requirements of this Article will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

9-1009 Issuance of Permit for Lighting on Private Property

Prior to issuance of a building, electrical or sign permit, the Zoning Administrator shall determine that the submitted plans and details for said permit are in conformance with this Article. The stamping of the plans and the signature of the director or his designated representative and the date

of the signature shall indicate that the plans are in conformance.

9-1010 Amendment to Permit for Lighting on Private Property

Should the applicant desire to substitute outdoor light fixtures or lamps to be installed on private property after a permit has been issued, the applicant shall submit all changes to the Zoning Administrator for approval, with adequate information to assure compliance with this Article.

9-1011 Appeals

Except for street lighting within the right-of-way and for temporary exemptions as provided in Section 9-1007.1-5, any applicant's appeal of the Zoning Administrator's decision shall be made to the Board of Zoning Appeals, and the procedures of the Zoning Ordinance and shall apply.

9-1012 Request for Temporary Exemptions

1. Request. Any person may submit a written request on a form prepared by the Zoning Administrator for a temporary exemption to the requirements of this Article.

The Request for Temporary Exemption shall contain the following information:

- a. Specific exemptions requested.
- b. Type and use of exterior light involved.
- c. Duration of time for requested exemption.
- d. Type of lamp and calculated lumens.
- e. Total wattage of lamp or lamps.
- f. Proposed location of exterior light.
- g. Previous temporary exemptions, if any.
- h. Physical size of exterior light and type of shielding provided.

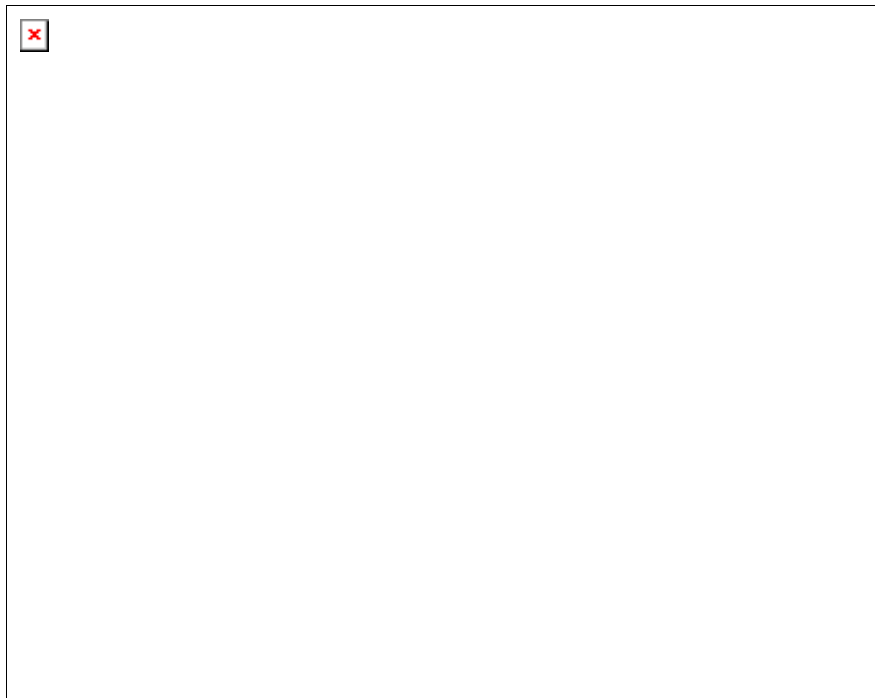
In addition to the above data, the Zoning Administrator may request any additional information which would enable a reasonable evaluation of the Request for Temporary Exemption.

The fee for a temporary exemption shall be as required for a variance to the Zoning Ordinance.

1. Appeal. The Zoning Administrator, within five (5) days from the date of the properly completed Request for Temporary Exemption, shall approve or reject in writing the Request. If rejected, the individual making the Request shall have the right of appeal to the Board of Zoning Appeals.

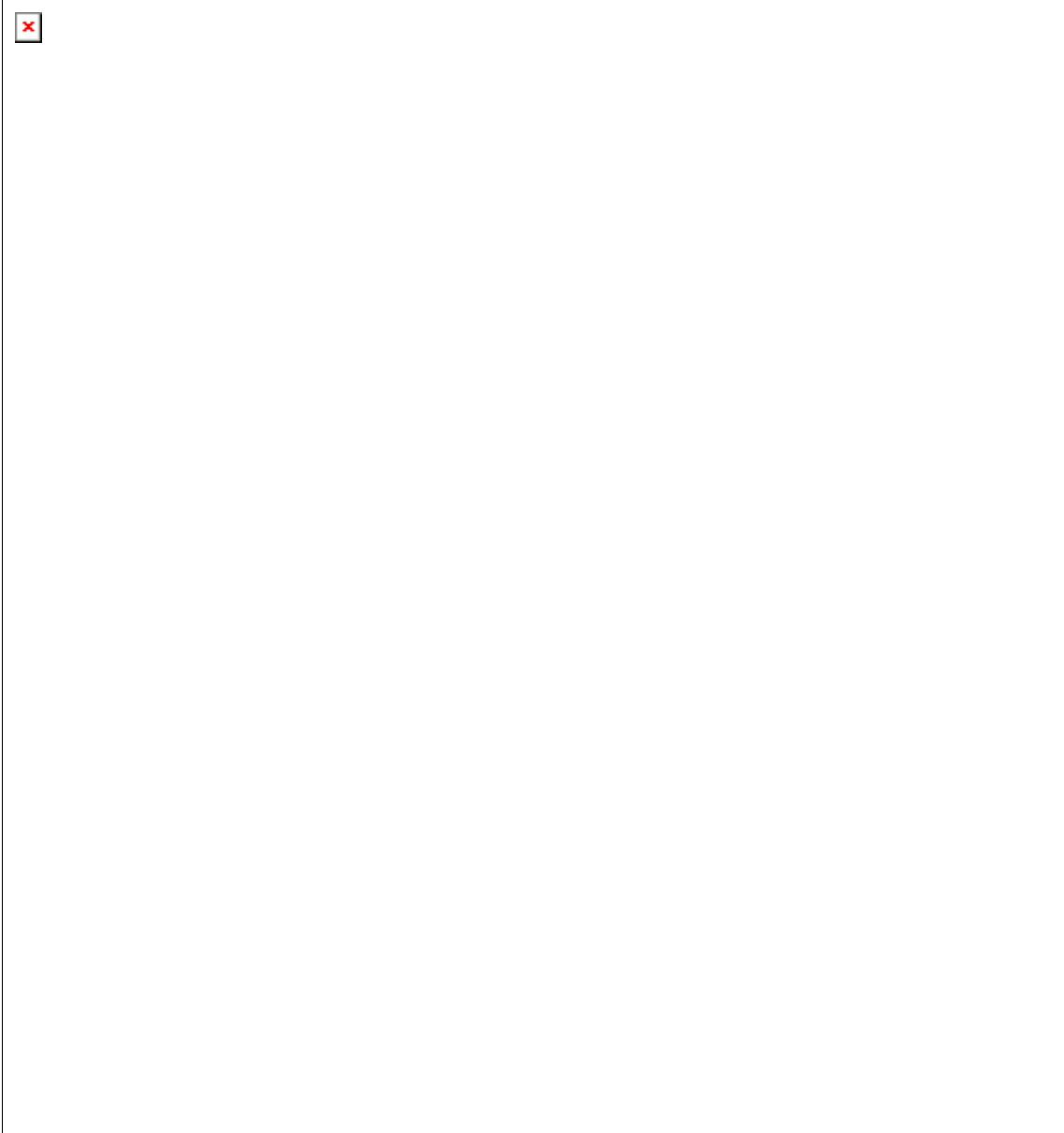
FIGURE 1

GASOLINE STATION/CONVENIENCE STORE APRONS AND CANOPIES



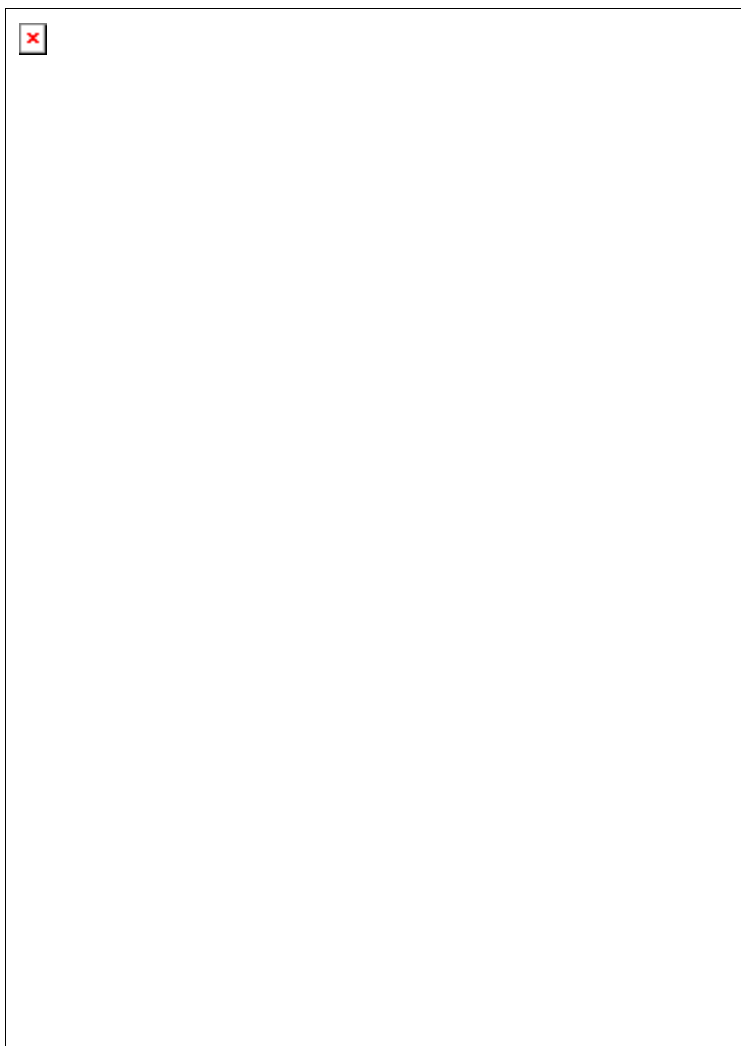
Source: *Outdoor Lighting Manual for Vermont Municipalities*, Chittenden County Regional Planning Commission, May 1996, PTI Publications Center (Publication Order Number (DG/95-308).

FIGURE 2
CUTOFF FIXTURES



Source: *The Outdoor Lighting Pattern Book*, Lighting Research Center, Rensselaer Polytechnic Institute, 1996, ISBN 0 07 037188-1, Library of Congress Card Catalog Number 96-41377.

FIGURE 3



COMPUTER GENERATED LIGHT LEVEL GRID EXAMPLE FOR PARKING LOT LIGHTING PLANS

Computer generated light level grid, with readings in tenths of footcandles.

SPECIAL EXCEPTION – PATRICIA ANN AND DR. ELOY ARENDS, OWNERS, AND JEFFREY D. LIPPINCOTT/ISLANDS, LLC, APPLICANT – WHISPERWOOD, PHASE II

A public hearing was held to consider a request for special exception approval for Patricia Ann and Dr. Eloy Arends, Owners, and Jeffrey D. Lippincott/Islands, LLC, Applicant, to waive the requirement for public sewer. The property is zoned R-1, contains 15 acres, and is located on Atlee Road (Route

674) in the Warrenton Service District, PIN #6969-98-3167-000, Center District. Jeff Lippincott and Phil Helm spoke in favor of the request. Kathleen King said she felt the applications was premature and should be postponed. The public hearing was closed. Mr. Winkelmann moved to table the decision until the February 7, 2000 meeting. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham

Nays: None

Absent During Vote: None

Abstention: None

With no further business, the meeting was adjourned to reconvene in an adjourned meeting on Wednesday, January 19, 2000 at 7:00 p.m. at Warrenton Middle School.